

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In the Matter of Arbitration between:

TRI-K INDUSTRIES, INC.,

Petitioner,

– against –

SOPHIM,

Respondent.

Civil Action No. 07-6565 (CM) (DFE)

**AFFIDAVIT FOR
JUDGMENT BY DEFAULT**

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

Peter J. Pizzi, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and am associated with the firm of Connell Foley LLP, attorneys for petitioner in the above-entitled action. I am familiar with all the facts and circumstances in this action.
2. I make this affidavit pursuant to Rule 55.1 and 55.2(a) of the Civil Rules for the Southern District of New York, in support of petitioner's application for the entry of a default judgment against respondent.
3. This is an action to recover money damages owed by respondent to petitioner for satisfaction of an arbitration award entered in favor of petitioner on May 8, 2007.
4. The respondent is not an individual but rather a French corporation.
5. Jurisdiction of the subject matter of this action is based on diversity of citizenship jurisdiction.

6. This action was commenced on July 20, 2007 by the filing of the summons and complaint. A copy of the summons and complaint was served on the defendant on September 5, 2007 by personal service on Jacques Margnat, Director of respondent Sophim, in accordance with the Hague Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil and Commercial Matters 20 U.S.T. 361, (STATE SPECIFICALLY HOW SERVICE WAS MADE ON DEFENDANT) and proof of service by the Special Process Server was filed. The respondent has not answered the complaint and the time for the respondent to answer the complaint has expired.

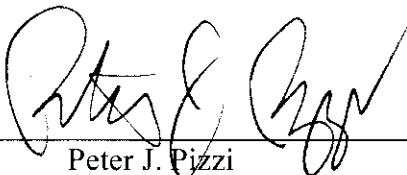
7. This action seeks judgment for the liquidated amount of \$247,564.00 plus interest at 3.97 % from May 8, 2007 , for a total as of December 9, 2007 of \$253,380.19, as shown by the annexed Statement, which is justly due and owing, and no part of which has been paid except as therein set forth.

8. The disbursements sought to be taxed have been made in this action or will necessarily be made herein.

WHEREFORE, petitioner requests the entry of Default and the entry of the annexed Judgment against respondent.

Dated: Roseland, New Jersey

November 6, 2007


Peter J. Pizzi

Sworn to before me this 6 day of November, 2007.

Nora M. Wettens
Notary Public

NORA M. WELTEN
A NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES MARCH 31, 2011

IF DEFENDANT IS AN INDIVIDUAL, ATTORNEY'S AFFIDAVIT MUST CONTAIN A STATEMENT THAT HE OR SHE IS NOT A MINOR, MENTALLY INCOMPETENT NOR IN THE MILITARY SERVICE OF THE UNITED STATES.

ANNEXED STATEMENT ON INTEREST DUE AND OWING
TRI-K V. SOPHIM 07-CV-6565 (CM)

Pursuant to 28 U.S.C. § 1961(a), the pre-judgment interest rate reflected in the proposed judgment (3.97%) is the weekly average one year constant maturity treasury yield, for the week ending October 26, 2007, as reported on the website of the Board of Governors of the United States Federal Reserve, <http://www.federalreserve.gov/releases/H15/Current/>. The following chart shows the pre-judgment interest earned on the judgment amount of \$247,564.00 for 216 days of 2007 (May 8, 2007 – December 9, 2007).

Year	Applicable Interest Rate	Days of Interest	Interest
2007	3.97%	216	\$5,816.19